



Attorney's Docket No.: 05110-003004

#19
MDJ
1-11-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David J. Boothby
Serial No. : 09/240,563
Filed : January 29, 1999
Title : SYNCHRONIZATION OF DISPARATE DATABASES

Art Unit : 2771
Examiner : C. Rones

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JAN 09 2001

Commissioner for Patents
Washington, D.C. 20231

Technology Center 2100

RESPONSE

This is responsive to the office action mailed August 4, 2000.

An information disclosure statement listing additional references for consideration by the examiner is enclosed. None of the references are believed to effect patentability. They have come to applicant's attorney's attention by being cited in prosecution of other applications of the same assignee.

Applicant appreciates the examiner's position on the double patenting rejection, but would once again urge the examiner to reconsider and withdraw the rejection.

Any patent issuing on this application would necessarily, under the statute, expire on January 11, 2015, twenty years from the filing date of the earliest filed application from which priority is claimed. That is the same day on which U.S. Patent No. 5,684,990 will expire. Accordingly, it is unnecessary and inappropriate to require a terminal disclaimer.

The judicially-created doctrine under which such terminal disclaimers were created was born at a time when all patents expired seventeen years from issue, and thus necessarily a patent issuing on an application still pending would expire later than a patent already issued. That remedy has no bearing today, except in the rare instance of an application still pending that was filed before the GATT transition date.

Accordingly, the examiner is asked to withdraw the rejection, and allow the application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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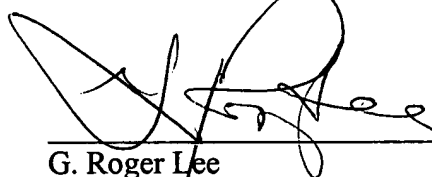
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Respectfully submitted,

Date: 1/4/00



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